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May 21, 2007

Mayor and Council
Borough of Emerson
1 Municipal Place
Emerson, NJ 07630

Re: Vacation of Broadway Right-of-Way
MC File No. EMT-001

Dear Mayor and Council:

The Borough has requested Maser Consulting P.A. (Maser) to review the vacation of the Broadway right-of-way between Spruce Avenue and Woodside Avenue. However, the Broadway right-of-way between Sycamore Avenue and Walnut Avenue is improved and its vacation would impact traffic circulation in that area. Therefore, the following report identifies potential issues surrounding the vacation of the unimproved right-of-way (paper street) with the intention of selling the vacated land for residential use. In preparing this report, Maser consulted with Burgis Associates for a planner's perspective of the issue.

Current Zoning for Broadway Right-of-Way

Broadway is currently in the Residential Single Family (R-10) Zone. A complete list of requirements for the R-10 Zone is attached for your reference. Please note the following:

- | | | |
|-----------------------------|-----------------------------|---------------------------|
| a. Minimum Lot Area: | 10,000 S.F. (Interior Lots) | 12,500 S.F. (Corner Lots) |
| b. Minimum Lot Width: | 100 ft. (Interior Lot) | 125 ft. (Corner Lot) |
| c. Minimum Front Yard: | 25 ft. | |
| d. Minimum Rear Yard: | 35 ft. | |
| e. Minimum Side Yard: | 15 ft. | |
| f. Minimum Side Yard (Both) | 35 ft. (Interior Lot) | 40 ft. (Corner Lot) |

Broadway right-of-way is 60 ft. wide (See attached reduced scale Tax Sheet). Based on current zoning, it appears it would be very difficult to create conforming lots. Also, since the required yard setbacks are significant, building construction without the need for variance would be challenging.



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In addition to the 60 ft. wide Broadway right-of-way, our research has identified two (2) other tracts of land owned by the Borough and adjacent to the Broadway right-of-way.

- Lot 1, Block 515 is an 11 ft. wide by 1,295 ft. long tract of land owned by the Borough of Emerson and situated between the Hackensack Golf Club and Broadway.
- Lot 1, Block 516 is an 11 ft. wide by 251 ft. long tract of land owned by the Borough and situated between Lot 2, Block 516 (owned by the Hackensack Golf Club) and Broadway.

Therefore, the Borough currently owns a 71 ft. wide piece of property between the Golf Club and the residential properties along Broadway. This 71 ft. piece of property is from the terminus of Remington Avenue (paper street) and the municipal border with Westwood. Please refer to the attached reduced scale Tax Sheet and Property Information Sheets for Lot 1, Block 515 and Lot 1, Block 516 for clarity.

Since it appears that creating a conforming lot and constructing a building within the required yard setbacks will be impractical in the current R-10 Zone, the area should be considered for rezoning. Following are several options for the Broadway right-of-way.

Option 1: Single Family (R-7.5) Zone

The Single Family (R-7.5) Zone is the least restrictive residential zone in the Borough. The R-7.5 Zone has the following requirements:

- | | | | |
|------------------------------|------------|----------------|--------------------------|
| a. Minimum Lot Area: | 7,500 S.F. | (Interior Lot) | 8,500 S.F. (Corner Lots) |
| b. Minimum Lot Width: | 75 ft. | (Interior Lot) | 85 ft. (Corner Lot) |
| c. Minimum Front Yard: | 20 ft. | | |
| d. Minimum Rear Yard: | 35 ft. | | |
| e. Minimum Side Yard: | 8 ft. | | |
| f. Minimum Side Yard (Both): | 20 ft. | (Interior Lot) | 30 ft. (Corner Lot) |

Even if the Borough rezoned the Broadway area to R-7.5 Zone, it would still be difficult to create conforming and buildable lots. The yard requirements in the R-7.5 Zone are less restrictive than those in the R-10 Zone. The 75 ft. minimum lot width and associated yard requirements in this zone contrast with the 71 ft. wide Borough owned property (60 ft. Broadway right-of-way plus 11 ft. wide Lot 1). The Borough may want to consider creating a zone that is less restrictive than those currently established in the Borough.



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Option 2: Creating New Less Restrictive Zones

Establishing New Lot Sizes

The need for variances could be eliminated if the area was rezoned to permit new lot sizes. This new zone would need to be less restrictive than any other residential zone currently in place. The Borough needs to be aware that rezoning the Broadway area to a less restrictive zone may encourage existing lot owners to subdivide their properties (See attached reduced scale Tax Sheet for property sizes in the area).

If a new zone were to be established allowing for 60 ft. wide lots for the Broadway area, it appears that a maximum of ten (10) lots could be created out of the Broadway right-of-way with little municipal road expansion or improvements.

- One (1) lot off of Spruce Avenue;
- Two (2) lots on both sides of Linden Avenue;
- Two (2) lots on both sides of Oakland Avenue;
- Two (2) lots on both sides of Erie Avenue;
- One (1) lot on the east side of Sycamore Avenue and Broadway;
- One (1) lot on the west side of Walnut Avenue and Broadway; and
- One (1) lot on the east side of Woodside Avenue.

Remington Avenue is a paper street and has been used by the Borough to accommodate Ackerman Park. The entrance drive and parking for Ackerman Park appear to be in the Remington Avenue right-of-way. In addition, it appears that a portion of the Ackerman basketball courts are in the Broadway right-of way (See attached aerials for clarity).

Option 3: Acquiring Property

Another option to creating a new less restrictive zone in the Borough would be to acquire property from the Hackensack Golf Club to achieve either 100 ft. wide lots as currently zoned or 75 ft. wide lots if rezoned to R-7.5.

Keeping Current R-10 Zone

If the current R-10 zone were to remain, the Borough would have to acquire 29 ft. of property along the entire length where Broadway and the Golf Club abut.

Changing to R-7.5 Zone

If the area were to be rezoned to R-7.5, the Borough would have to acquire 4 ft. of property along the entire length where Broadway and the Gold Club abut. A maximum of nine (9) lots could be created out of the Broadway right-of-way with little municipal road expansion or improvements. It is not feasible to create the one (1) lot off of Spruce Avenue listed in Option 2 because it is bordered by two residential properties. Lot 2 Block 515 restricts lot width to 60 ft. Refer to the attached reduced scale Tax Sheet for clarity.



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- Two (2) lots on both sides of Linden Avenue;
- Two (2) lots on both sides on Oakland Avenue;
- Two (2) lots on both sides of Erie Avenue;
- One (1) lot on the east side of Sycamore Avenue and Broadway;
- One (1) lot on the west side of Walnut Avenue and Broadway; and
- One (1) lot on the east side of Woodside Avenue.

At a preliminary review of this issue there are some constructability concerns. The Residential Site Improvement Standards (RSIS) would require a cul-de-sac at the roadways that end at Broadway. From a dimensional standpoint, there appears to be insufficient space for a standard cul-de-sac. In lieu of a cul-de-sac, RSIS allows "hammerhead" turn around features, which may fit in the space available. However, this feature would diminish the area available for the building lots.

An alternative to the hammerhead design would involve looping every other street and eliminating the dead-ends. This would allow for fewer lots but would improve circulation, particularly for emergency services.

This is a preliminary assessment of the issue. Detailed information would be required to assess the feasibility further.

Thank you for your kind attention to this matter. Please contact me if you have any questions.

Very truly yours,

MASER CONSULTING P.A.

Paul S. Niehoff, P.E., C.M.E.
Borough Engineer

PSN/egm

Cc: Joseph Scarpa, Borough Administrator
Philip Boggia, Esq.
Joe Burgis, Borough Planner

ZONING

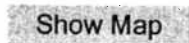
Borough of Emerson Schedule I: Lot, Yard, Height and Setback Requirements(n) [Amended 1-31-1977 by Ord. No. 672; 6-4-1991 by Ord. No. 988; 9-25-2001 by Ord. No. 1184; 3-19-2002 by Ord. No. 1197; 4-23-2002 by Ord. No. 1200; 7-11-2006 by Ord. No. 1305]

Zone District	Primary Use	Height Limit (stories)		Height Limit (feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Yard Requirements (feet)					Maximum Coverage for All Structures	Maximum Floor Area Ratio	Maximum Open Space Ratio	Property Size Test	
		2½	35	Front			Rear	Side		Envelope	Coverage					
								Each	Both							
R-22.5	Single-family residence Interior lot Corner lot	2½	35	150 150	22,500 22,500	35 35	35 35	20 (k)	40 55	25% 25%	N/A N/A	N/A N/A	8,800 7,600	5,625 5,625		
R-10	Single-family residence Interior lot Corner lot	2¼	32	100 125	10,000 12,500	25(b) 25(b)	35 35	15 (l)	35 40	25% 25%	N/A N/A	N/A N/A	2,600 3,400	2,500 3,125		
R-7.5	Single-family residence Interior lot Corner lot	2¼	32	75 85	7,500 8,500	20(b) 20(b)	35 35	8 (m)	20 30	30% 28%	N/A N/A	N/A N/A	2,475 2,835	2,250 2,380		
ML-10(o)	Single-family Interior lot Corner lot	2½	32	100 125	10,000 12,500	25(b) 25(b)	35 35	15 (l)	35 40	25% 25%	N/A N/A	N/A N/A	2,600 3,400	2,500 3,125		
LBW	Nonretail commercial without industrial	2¼	35	150	40,000	(d)	(d)	(d)	(d)	(d)	(d)	(d)				
LBE	Nonretail commercial manufacturing	2¼	35	150	40,000	(d)	(d)	(d)	(d)	(d)	(d)	(d)				
RC	Retail commercial	2¼	35	50	5,000	20(b)	30	(c)	(c)	35%	N/A	N/A				
IM	Industrial and manufacturing	2¼	35	100	15,000	25(b)	40	(c)	(c)	35%	N/A	N/A				
RB	Single-family and two- family residence Interior lot Corner lot	2¼	35	100(j) 125(j) (i)	10,000(j) 11,000(j)	20(b) 20(b) (e), (f)	35 35 (e), (h), (g)	7 7 (e), (h)	17 17 (e), (h)							
CBD-E																
CBD-W																
(See Article XIII for requirements)																
(See Article XIII for requirements)																
NOTES:																

NOTES:

(a) The maximum height of accessory structures shall be 15 feet.

Property Information						
Property Location : 125 BROADWAY , EMERSON BORO			<input type="button" value="Show Map"/>		Last Sale	Prior Sale Previous Owner :
Bergen County			Transfer Date :			
District : 214 Block : 516 Lot : 1 Qualifier :			Transfer Price :			
Additional Lots :			Deed Book :			
Current Owner:			Deed Page :			
BORO HALL MUNICIPAL PL EMERSON NJ 07630			Class : 15C - Public Property			
Assessments						
Total Value :	\$8,600	2006 Tax Rate :	3.54	Zoning :		
Land Value :	\$8,600	2006 Tax Ratio :	55.99%	Building Description :		
Improve Value :	\$0	Estimated Property Taxes :	\$304.44	Land Description :	STRIP 11X251	
% Improvement :		2004 Taxes :	\$0.00	Acreage :	0.0634	
Assessment at time of sale :		Useable/Non Usable :		Square Footage :		
			Year Constructed :			

Property Information					
Property Location : 65 BROADWAY , EMERSON BORO					Last Sale
Bergen County					Prior Sale Previous Owner :
District : 214 Block : 515 Lot : 1 Qualifier :			Transfer Date :		
Additional Lots :			Transfer Price :		
Current Owner:			Deed Book :		
BORO HALL MUNICIPAL PL EMERSON NJ 07630			Deed Page :		
			Class : 15C - Public Property		
Assessments					
Total Value :	\$19,000	2006 Tax Rate :	3.54	Zoning :	
Land Value :	\$19,000	2006 Tax Ratio :	55.99%	Building Description :	
Improve Value :	\$0	Estimated Property Taxes :	\$672.60	Land Description :	11X1295
% Improvement :		2004 Taxes :	\$0.00	Acreage :	0.3270
Assessment at time of sale :		Useable/Non Usable :		Square Footage :	
				Year Constructed :	

